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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/391,141	09/07/1999	JONATHAN FOOTE	FXPL-01002US	8130

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EXAMINER

WHIPKEY, JASON T

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 01/30/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/391,141

Applicant(s)

FOOTE ET AL.

Examiner

Jason T. Whipkey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 C.F.R. § 1.84(p)(5) because they do not include the reference sign "600" mentioned on line 5 of page 21 of the description. Corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The amendments to the specification and abstract are approved and the corresponding objections withdrawn.

Claim Objections

3. The amendment to claims 3 and 12 is approved and the corresponding objections are withdrawn.
4. The objection to claim 16 has been vitiated by the claim's cancellation.

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5. Claim 21 is objected to for failing to comply with 37 C.F.R. § 1.75(a) because it does not particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 21 recites the limitation "the scene" on line 4. There is insufficient antecedent basis for this limitation in the claim. For examination purposes, the examiner will treat the claim as if it reads, "a scene".

Claim Rejections - 35 USC § 112

6. The amendments to claims 7, 9, and 14 have overcome their corresponding rejections under 35 U.S.C. § 112, second paragraph. The rejections under this section are withdrawn.

Response to Arguments

7. Applicant's arguments, see page 19, lines 17-22, of the amendment filed November 6, 2003, with respect to the rejection of claims 1-15 and 17-20 under 35 U.S.C. §§ 102(e), 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of Lassiter.

Claim Rejections - 35 U.S.C. § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 15, 17, 18, and 21-26 are rejected under 35 U.S.C. § 102(e) as being anticipated by Lassiter (U.S. Patent No. 6,624,846).

Regarding claim 15, Lassiter discloses a user interface for a camera or group of cameras. As shown in Figure 1, the system includes video camera 101 (“one or more cameras”) and stylus 106 (“an object”) for inputting instructions on a touchscreen (“a detection mechanism”) (column 5, line 58, through column 6, line 13). As shown in Figure 2, stylus 106 may be used to select control scene 202 (“a location within a scene”) within target scene 101, both of which are displayed on visual user interface 200 (“a control display panel adapted to display said scene”) (column 7, lines 12-20). The image data in the area of the scene selected by the user may be subsampled in order to capture that location (column 11, lines 59-65). The video image data is presented to the user as it is acquired (“a moving image”) (column 11, lines 59-61).

Regarding claim 17, Lassiter teaches that stylus 106 may be used, as described above.

Regarding claim 18, Lassiter shows in Figure 5A that a plurality of images from a plurality of cameras may be combined to create a panoramic image from which a zoom area may be selected (column 15, lines 30-37, and column 16, lines 9-13).

Regarding claim 21, Lassiter discloses a user interface for a camera or group of cameras. As shown in Figure 1, the system includes video camera 101 ("one or more cameras") (column 5, line 58, through column 6, line 13). As shown in Figure 2, stylus 106 may be used to select control scene 202 ("a secondary video image") within target scene 101 ("a primary video image"), wherein "the boundaries of control scene 202 can be delineated in any appropriate graphical manner as known by those skilled in the art of implementing video displays" ("a drag and drop icon") (column 7, lines 12-26). As shown in the figures, control scene 202 is delineated with a rectangle; the figures in the instant application do the same.

The image data in the area of the scene selected by the user may be subsampled in order to capture that location (column 11, lines 59-65); consequently, the two images are inherently captured simultaneously.

Regarding claim 22, Lassiter teaches that the image data in the area of the scene selected by the user may be subsampled (a "virtual view") in order to capture that location (column 11, lines 59-65).

Regarding claim 23, Lassiter shows in Figure 5A that a plurality of images from a plurality of cameras may be combined to create a panoramic image from which a zoom area may be selected (column 15, lines 30-37, and column 16, lines 9-13).

Regarding claim 24, Lassiter shows in Figure 5A that a plurality of images from a plurality of cameras may be combined to create a panoramic image from which a zoom area may be selected (column 15, lines 30-37, and column 16, lines 9-13). Lassiter teaches that the image data in the area of the scene selected by the user may be subsampled (a "virtual view") in order to capture that location (column 11, lines 59-65).

Regarding claim 25, Lassiter teaches that resizing the outline of the control scene can result in the adjustment of the zoom amount (column 17, lines 50-60).

Regarding claim 26, Lassiter teaches that the user interface may constrain the user's selection of the control scene to one with an appropriate aspect ratio (column 11, lines 35-40).

Claim Rejections - 35 U.S.C. § 103

10. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

11. Claims 1-14 and 27-40 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lassiter.

Regarding claims 1 and 27, Lassiter discloses a user interface for a camera or group of cameras. As shown in Figure 1, the system includes video camera 101 ("one or more cameras") and stylus 106 for inputting instructions on a touchscreen (column 5, line 58, through column 6, line 13). As shown in Figure 2, stylus 106 may be used to

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select control scene 202 ("a location within a scene") within target scene 101, both of which are displayed on visual user interface 200 ("displaying a representation of a scene") (column 7, lines 12-20). Lassiter teaches that, "the boundaries of control scene 202 can be delineated in any appropriate graphical manner as known by those skilled in the art of implementing video displays" ("a drag and drop icon") (column 7, lines 12-26). As shown in the figures, control scene 202 is delineated with a rectangle; the figures in the instant application do the same. The image data in the area of the scene selected by the user may be subsampled in order to capture that location (column 11, lines 59-65). The video image data is presented to the user as it is acquired ("a moving image") (column 11, lines 59-61).

Lassiter is silent with regard to displaying a view of a location within a scene simultaneously with the complete image within this embodiment.

In the embodiment shown in Figure 9, a user can select control scene 902 from target scene 901, resulting in control scene 902 being displayed in current filmed scene area 903 (column 19, lines 49-57).

An advantage to displaying a view of a location within a scene simultaneously with a complete captured image is that a user may view a selected area in detail while still monitoring the complete area captured by the camera. For this reason, it would have been obvious at the time of invention to have Lassiter's live zoomed area displayed simultaneously with the complete captured image.

Regarding claims 2, 7, 28, and 33, Lassiter teaches that the image data in the area of the scene selected by the user may be subsampled (a “virtual view”) in order to capture that location (column 11, lines 59-65).

Regarding claims 3, 4, and 29, Lassiter shows in Figure 5A that a plurality of images from a plurality of cameras may be combined to create a panoramic image from which a zoom area may be selected (column 15, lines 30-37, and column 16, lines 9-13).

Regarding claims 5, 35, and 37, Lassiter teaches that resizing the outline of the control scene can result in the adjustment of the zoom amount (column 17, lines 50-60).

Regarding claims 6 and 36, Lassiter teaches that the user interface may constrain the user’s selection of the control scene to one with an appropriate aspect ratio (column 11, lines 35-40).

Regarding claims 8, 9, 38, and 39, Lassiter shows in figures 7A through 7F that the outline of the control scene 702 includes a center portion and outside frame. The resizing of the outside frame can result in the adjustment of the zoom amount (“a parameter of said view”) (column 17, lines 50-60).

Regarding claims 10 and 40, Lassiter teaches that control scene 702, as shown in figures 7A through 7F, may be dragged across a screen to pan the captured scene (column 17, lines 11-13).

As for claim 11, Lassiter discloses a user interface for a camera or group of cameras. As shown in Figure 1, the system includes video camera 101 (“one or more cameras”) and stylus 106 for inputting instructions on a touchscreen (“a pen-based

device”) (column 5, line 58, through column 6, line 13). Figure 5A shows that a plurality of images from a plurality of cameras may be combined to create a panoramic image (“a wide-angle view”) (column 15, lines 30-37). As shown in Figure 2, stylus 106 may be used to select control scene 202 (“recognizing an input”) within target scene 101, both of which are displayed on visual user interface 200 (column 7, lines 12-20). The image data in the area of the scene selected by the user may be subsampled in order to capture that location (“directing ... cameras toward a location”) (column 11, lines 59-65). The video image data is presented to the user as it is acquired (“a moving image”) (column 11, lines 59-61).

Lassiter is silent with regard to displaying a view of a location within a scene simultaneously with the complete image within this embodiment.

In the embodiment shown in Figure 9, a user can select control scene 902 from target scene 901, resulting in control scene 902 being displayed in current filmed scene area 903 (column 19, lines 49-57).

An advantage to displaying a view of a location within a scene simultaneously with a complete captured image is that a user may view a selected area in detail while still monitoring the complete area captured by the camera. For this reason, it would have been obvious at the time of invention to have Lassiter’s live zoomed area displayed simultaneously with the complete captured image.

Regarding claim 12, Figure 5A shows that a plurality of images from a plurality of cameras may be combined to create a panoramic image (“a camera array”) (column 15, lines 30-37). As shown in Figure 2, stylus 106 may be used to select control scene 202

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("recognizing an input") within target scene 101, both of which are displayed on visual user interface 200 (column 7, lines 12-20). The image data in the area of the scene selected by the user may be subsampled in order to capture that location ("selecting a virtual view") (column 11, lines 59-65).

Regarding claims 13 and 14, Lassiter teaches that resizing the outline of the control scene can result in the adjustment of the zoom amount (column 17, lines 50-60).

Regarding claims 30-32, Lassiter is silent with regard to target scene 101 being a graphical representation, architectural drawing, or schematic.

Official Notice is taken that video cameras can be used to capture any visible object, including graphics, architectural drawings, and schematics. An advantage to capturing said objects is that a variety of information can be conveyed to a viewer. For this reason, it would have been obvious at the time of invention to have Lassiter's system capture any object.

Regarding claim 34, Lassiter shows in Figure 5A that a plurality of images from a plurality of cameras ("a camera array") may be combined to create a panoramic image from which a zoom area may be selected (column 15, lines 30-37, and column 16, lines 9-13). The image data in the area of the scene selected by the user may be subsampled in order to capture that location ("selecting a virtual view") (column 11, lines 59-65).

12. Claims 19 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lassiter in view of Fitzmaurice.

Claim 19 may be treated like claim 15. However, Lassiter is silent with regard to the touchscreen detecting the size and shape of an object placed on it.

Fitzmaurice discloses a user interface for a computer based on object manipulation on a screen. As shown in figures 1-6, the manipulation of the object may be used to designate an area.

Fitzmaurice shows an embodiment of this system in Figure 8, wherein an image is projected on a desk from under the desk. The desk allows a user to manipulate objects and have their positions sensed by a computer. Additionally, objects of varying size and shape may be detected (page 447, lines 20-22, second column).

As stated at the bottom of page 443 and the top of page 44, an advantage to using objects placed on a screen to designate an area is that a tilted area of varying sizes may be designated, as opposed to the x-y points produced by a mouse, which gives the user more flexibility. For this reason, it would have been obvious at the time of invention to have Lassiter's system detect the size and shape of objects placed on the touchscreen.

Regarding claim 20, Lassiter teaches that resizing the selected area can result in the adjustment of the zoom amount (column 17, lines 50-60).

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

14. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 C.F.R. § 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason T. Whipkey, whose telephone number is (703) 305-1819. The examiner can normally be reached Monday through Friday from 8:30 A.M. to 6:00 P.M. eastern standard time, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R. Garber, can be reached on (703) 305-4929. The fax phone number for the organization where this application is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 2600 Customer Service Office, whose telephone number is (703) 306-0377.

JTW

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January 22, 2004


NGOC-YEN VU
PRIMARY EXAMINER